

IN THE DISTRICT COURT OF THE UNITED STATES  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
ASHEVILLE DIVISION

CRIMINAL CASE NO. 1:04CR117

FILED  
ASHEVILLE, N.C.

OCT 20 2005

U.S. DISTRICT COURT  
W. DIST. OF N.C.

UNITED STATES OF AMERICA,

)  
vs.  
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)  
GERALD ALLEN BARNETT.  
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)

ORDER

THIS MATTER is before the Court on the Defendant's motion to withdraw his election during the Rule 11 hearing to be bound by the United States Sentencing Guidelines.

There having been no response from the Government, the motion is granted.

IT IS, THEREFORE ORDERED that the Defendant's election to be bound by the United States Sentencing Guidelines is hereby **STRICKEN**. No revised presentence report is necessary since the Guideline are advisory.

THIS the 20<sup>th</sup> day of October, 2005.

  
LACY H. THORNBURG  
UNITED STATE DISTRICT COURT JUDGE